

**TO: ALL SHERIFF'S OFFICE PERSONNEL**

**FROM: SHERIFF DEESE**

**DATE: April 1, 2006**

**SUBJECT: POLICY 5.01 – CONDUCT - GENERAL**

**A. PURPOSE:** This policy establishes standards of conduct of employees of the Peach County Sheriff's Office.

**B. EFFECTIVE DATE: JULY 1, 2007**

**C. REVIEW DATE:** No later than one year from effective date and bi-annually thereafter. Enter date on first line and initials on second line below for each annual review.


**D. IMPLEMENTATION INSTRUCTIONS:**

Division Commanders will ensure each assigned employee is familiar with the contents of this policy section. Each employee will maintain a copy of this policy in his or her issued manual.

**E. REFERENCE:**

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**PEACH COUNTY SHERIFF'S OFFICE  
POLICY SECTION 5.01  
CONDUCT - GENERAL**

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**I. PURPOSE:** Establishes standards of conduct for employees of the Department.

**II. DEFINITION**

**LAWFUL ORDER** - Any order of a superior officer requiring the performance of a certain duty by an officer, provided it is not proscribed by law or Agency rules and regulations.

### **III. RULES AND REGULATIONS**

#### **A. General**

1. Oath of Office - Prior to assuming sworn status, all peace officers shall take the Department's oath of office that includes provisions to enforce the law and uphold the Constitutions of the United States and Georgia.
2. Code of Ethics - The Law Enforcement Code of Ethics is adopted as a general standard of conduct for officers of the Department. It states:

"As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement."

3. Commendations - The Department expects a very high level of professional conduct from all employees. Department employees frequently perform their duties in a manner exceeding the highest professional standards. The official commendation of such performance and the arrangement of appropriate publicity are to be provided by the Department. This gives full public recognition to those employees who have brought honor to him/her self and to the Department.

#### **B. Standards of Conduct**

1. Obedience to Law and Regulations
  - a. Conformance to Laws: Officers shall obey all laws of the United States and of any state and local jurisdiction in which the officers are present.
  - b. Violations of Rules. Officers shall not commit any acts or omit any acts that constitute a violation of any of the rules, regulations, directives, policies or orders of the Agency.

- c. Violation of GCIC Rules, Policies or Security Regulations. Employees shall not commit any acts or omit any acts that constitute a violation of any GCIC Council Rules or GCIC CJIS Security Policies.

## 2. Establishing Elements of Violation

Existence of facts establishing a violation of a law, ordinance, or rule, is all that is necessary to support any allegation of such and serves as a basis for charge under this section. It is not necessary that a formal complaint be filed or sustained. Nothing in this manual of rules prohibits disciplining or charging officers or employees merely because the alleged act or omission does not appear herein, in departmental orders, or in laws and ordinances within the cognizance of the Department.

## 3. Reporting Violations of Laws, Ordinances, Rules or Orders

Officers and employees knowing of other officers' or employees' violation laws, ordinances, or rules of the department, or disobeying orders, shall report same in writing to the Sheriff through official channels. If the officer or employee believes the information is of such gravity that it must be brought to the immediate personal attention of the Sheriff, the official channels may be bypassed.

- 4. Insubordination - An officer's failure or refusal to obey a lawful order issued by a superior officer is prohibited. An officer may be disciplined or discharged for his speech or conduct before a superior officer if it is bitter, discourteous, abusive, disloyal, profane or threatening
  - a. Compliance with Lawful Orders- The Department is an organization with a clearly defined hierarchy of authority. Obedience to a superior's lawful command is essential for the safe and prompt performance of law enforcement operations. Lawful orders, commands, rules, regulations or directives will be followed by all employees
  - b. Conflicting or Illegal Orders- In those instances when an officer receives a conflicting order from a superior, it is the responsibility of the officer to inform the superior officer of the conflict. It is then the duty of the superior officer to clarify the order for the officer.
  - c. Officers shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, officers shall request the issuing officer to clarify the order or to confer with a higher authority

5. Possession or Use of Alcohol - Employees shall not possess or use alcoholic beverages while on-duty, on scheduled call or in uniform other than in an authorized capacity. Members shall not appear for duty, be on duty or on scheduled call while under the influence of intoxicants to any degree whatsoever.
  - a. If reasonable suspicion exists for believing an employee is in violation of this rule, he/she will be ordered In accordance with the Peach County Sheriff's Office Substance Abuse Policy, to submit to blood and/or urine testing. Failure of an employee to submit to a blood and/or urine testing will result in an adverse action being taken for insubordination.
  - b. Use of Alcohol Off Duty- Members shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, or obnoxious or offensive behavior which may discredits them or the Department, or renders the member unfit to report for their next regular tour of duty.
  - c. Penalty- An arrest for and/or a pattern of intoxication are grounds for dismissal.
6. Possession Or Use of Controlled Substances - The possession or use of illegal controlled substances, narcotics, or hallucinogens by an employee while on or off duty is prohibited.
  - a. An exception to this policy applies to drug enforcement officers and K-9 handlers who may possess controlled substances in an authorized capacity.
  - b. Other than in the performance of their duties, officers may possess and ingest prescribed controlled medications under the guidance of a licensed physician or dentist and with the knowledge of their immediate supervisor. While on-duty, an employee is not to use or be under the influence of any medication that impairs or compromises his/her ability. If an officer is using a medication that impairs or compromises his/her ability to perform his/her regularly assigned duties and responsibilities, the officer may be assigned, at the supervisor's discretion, to a "light duty" assignment.
  - c. If reasonable suspicion exists for believing an employee is in violation of this rule, he/she will be ordered In accordance with the Peach County Sheriff's Office Substance Abuse Policy, to submit to blood and/or urine testing. Failure of an employee to submit to a blood and/or urine testing will result in an adverse action being taken for insubordination.
  - d. Penalty- An arrest for and/or a pattern of intoxication are grounds for dismissal

7. Payment of Debts - Employees are expected to meet their civil monetary obligations. In addition, employees are not to establish any financial relationships that present a conflict of interests, shall pay all just debt when due, or know they will not be able to meet, that could impair or compromise the image of the Department.

Exclusions from disciplinary action may be granted under the following circumstances:

- a. An isolated instance of financial irresponsibility will not by grounds for discipline except in unusually severe cases.
  - b. Where an officer makes a genuine and sincere effort to pay his debts, but is unable due to family illness or adverse circumstances.
  - c. A garnishment or bankruptcy action cannot be the sole reason for dismissal.
8. Prohibited Association, Frequenting - Except as required in the performance of their duties, employees of the Department are prohibited from frequenting places that may compromise the Department's image. In addition, officers shall not associate with persons or organizations which would be detrimental to the image of the Department. This includes persons who are racketeers, sexual offenders, gamblers, are under criminal investigation or indictment, who have an open and notorious reputation in the community for felonious activity, except as necessary for the performance of official duties, or where unavoidable because of other personal relationships of the members.
    - a. Subversive Organizations - No officer or employee shall knowingly become a member of, or be connected to, any subversive organization, as defined by the U.S. Department of Justice, except when necessary in the performance of duty and then only under the direction of the Sheriff.
    - b. Allegiance to Organizations - Members of the Department shall refrain from joining or affiliating with any organization, association, or group, whose constitution or bylaws in any matter exacts allegiance which would prevent a full performance of their law enforcement duty.
  9. Public Criticism - Complaints regarding Department operations should be resolved through internal grievance procedures. Under no circumstances shall an employee of the Department publicly criticize the Department's policies, operations, or staff in a defamatory, obscene, unlawful, or untruthful manner. Criticism that tends to impair the operation of the Department by reducing organizational efficiency and discipline is also prohibited.
  10. Confidential Information - Employees are not to discuss confidential operations of the Department with persons outside the organization without the permission of their superior. For purposes of this Section, all Department documents and orders are to be considered confidential unless otherwise directed by a superior. This Section does not apply to orders that must by law, rule or regulation be communicated to others.

11. Political Use of Official Position - Employees shall not use their official position for political purposes. This section does not prohibit employees from the following activities
- i. Exercising their constitutional rights as citizens to vote.
  - ii. Expressing opinions as individuals privately and publicly on political issues and candidates.
  - iii. Actively engage in any non-partisan political function.
  - iv. Sign political petitions as individuals.
  - v. Make financial contributions to political organizations.
  - vi. Serve as elections judges or clerks or in a similar position to perform non-partisan duties as prescribed by state and local laws.
  - vii. Hold membership in a political party and participate in its functions to the extent consistent with the law and this general order.
  - viii. Otherwise participate fully in public affairs, except as provided by law, to the extent that such endeavors do not impair the neutral and efficient performance of official duties or create real or apparent conflict of interest
12. Political Involvement. Employees shall be prohibited from the following types of partisan political activities.
- i. Using their official capacity to influence, interfere with or affect the results of an election
  - ii. Assuming active roles in the management, organization or financial activities of partisan political clubs, campaigns, or parties.
  - iii. Service as officers of partisan political parties or clubs.
  - iv. Soliciting votes in support of, or in opposition to, any partisan candidates.
  - v. Serving as delegates to a political party convention.
  - vi. Endorsing or opposing a partisan candidate for public office in a political advertisement, broadcast, or campaign literature.
  - vii. Initiating or circulation a partisan nomination petition.
  - viii. Organizing, selling tickets to, or actively participating in a fund-raising function for a partisan political party or candidate.
  - ix. Addressing political gatherings in support of, or in opposition to partisan candidates
  - x. Otherwise engaging in prohibited partisan activities on the federal, state, county, or municipal level
13. Professional Image - Employees of the Department are to work diligently to maintain a professional image. Any behavior that would reflect negatively on the Department or would violate the public trust is prohibited.

14. Unauthorized Persons in Vehicles - Persons who are not government personnel, prisoners, or on official (authorized) business are not permitted to ride in Department vehicles.
15. Altering Records - Stealing, altering, forging or tampering with any police record, report or citation is prohibited. The removal of any record, card, report, letter, document, or other official file from the Department, except by process of law or as directed by the Sheriff or a superior, is prohibited. Unless properly authorized, the obtaining or duplicating or attempting to obtain or duplicate information from Department files, sources or reports is prohibited.
16. Sick Leave Reporting - Whenever an officer cannot report for work he/she is to notify his/her superior officer. The use of sick leave without just cause, or the furnishing of any false information regarding an officer's physical condition, may result in disciplinary action.
17. Absence from Work - Absence from work without permission is prohibited. Employees claiming physical or mental incapacity relating to their employment may be requested to submit to an examination by a county physician. Failure to honor such a request may result in disciplinary action.
18. Residence Telephone and Address - The Department shall maintain a listing of each employee's address and telephone number. It is the responsibility of each officer to maintain a phone at his/her residence and to notify the Department of any changes in address or phone number.
19. On and Off Duty Conduct - Engaging in conduct, on or off-duty, that tends to bring the Department into disrepute or impairs the operation or efficiency of the Department is prohibited.
  - a. An officer must at all times, on and off duty, conduct him/herself in a manner which does not bring discredit to him/herself, the Department, or the County.
  - b. Conduct unbecoming an officer shall include that conduct:
    - i. Which adversely affects the morale or efficiency of the Department?
    - ii. Which has tendency to destroy public respect for employees and confidence in the Department?
  - c. To sustain conduct unbecoming an officer it is not necessary that the alleged conduct be criminal in character or that it be proved beyond a reasonable doubt.
  - d. Violations may be charged under conduct unbecoming an officer or under a specific rule. Typical examples of conduct unbecoming an officer includes, but are not limited to.
    - i. Speeding
    - ii. Placing unauthorized poster in squad room.
    - iii. Lying in Department investigation



- iv. Profane language in public
- v. Association with known felons
- vi. Ticket fixing
- vii. Assault on fellow officer
- viii. Misappropriation of Department property
- ix. Kicking squad car in public
- x. Removal of Department records without authorization
- xi. Possession of marijuana
- xii. Horseplay with firearms
- xiii. Failure to cooperate with internal investigation
- xiv. Misuse of radio to criticize superior

## 20. Bribery/Abuse of Position

- a. Members shall not use their official position, official identification cards or badges: 1) for personal or financial gain; 2) for obtaining privileges not otherwise available to them except in the performance of duty; or 3) for avoiding consequences of illegal acts.

## 21. Failure to report any knowledge of an activity that could be construed as bribery is conduct incompatible with the efficient operation of the Department and grounds for dismissal. Related Areas are:

- a. Soliciting Gifts, Gratuities, Fees, Rewards, Loans, Etc. Officers and Employees shall not solicit any gift, gratuity, loan, or fee where there is any direct or indirect connection between the solicitation and their departmental membership of employment, unless approved by the Sheriff.
- b. Accepting of Gifts, Gratuities, Fees, Loans, Etc.-Officers and employees shall not buy, receive, or sell any gift, gratuity, loan, fee, or anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case. No officer or employee of the Department shall receive any gift or gratuity from other officers or employees' junior in rank, except as may be specifically authorized by the Sheriff.
- c. Other Transactions-Officers and employees are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention or which arose out of their departmental employment except as may be specifically authorized by the Sheriff.
- d. Solicitations of Favorable Acts-Employees are not to solicit anyone to intercede with County or Department officials regarding Department promotions, assignments or disciplinary proceedings.

- e. Rewards-Officers and employees shall not accept any gift, gratuity or reward in money or other consideration for services rendered in the line of duty to the community or to any person, business or department except lawful salary and that which may be authorized by law or approved by the Sheriff.
  - f. Disposition of Unauthorized Gifts, Gratuities, Etc.-Any unauthorized gift, gratuity, loan, fee, reward or other thing falling into any of the above categories which come into the possession of any officer or employee shall be forwarded to the Sheriff together with a written report explaining the circumstances connected therewith.
22. Abandonment of Duty Assignment - An officer carries with him the responsibility for the safety of the community and his/her fellow officers. Employees are not to leave their duty assignment unless properly relieved or dismissed by a superior officer.
- Members of the Department shall promptly and punctually perform these duties. Dereliction/Abandonment of Duty shall include, but not be limited to:
- a. Failure to arrest or notify a superior officer of a serious violation of the law which the officer has knowledge and jurisdiction over.
  - b. Failure to report for duty (to include judicial subpoenas).
  - c. Tardiness/absenteeism.
  - d. Sleeping on duty.
  - e. Sleeping on duty.
  - f. Repeatedly leaving assigned area without notifying communications/superior officer.
  - g. Escape of prisoner through negligence or willful allowance. Each case will be based on the merits of that case.
23. Internal Investigations - Employees are to cooperate with all internal investigations by answering questions, responding to lawful orders, presenting materials and making statements. Any employee ordered to cooperate with an investigation or make any statement shall be protected from use of such statement in any criminal prosecution in accordance with provisions of the Garrity Ruling.
24. Participation in Civil Matters - Employees are not to give any deposition, affidavit or appear as a witness in a civil matter stemming from their official duties without a proper judicial summons and the knowledge of the Sheriff.
25. Leaving Jurisdictional Limits - Officers are not to go beyond the jurisdiction's limits while on duty, unless in the performance of their duties or upon the direct order or permission of a superior.

26. Use of Private Vehicles - Employees are not to use private vehicles or equipment for official purposes unless directed and authorized to do so by a superior officer.

- a. Use of Department Telephones- Members of the Department shall refrain from using county telephones for long distance calls unless authorized to do so, and shall minimize calls of a general nature.

27. Immoral Conduct (see Number 20) Any officer engaging in an activity that would affect morale and effectiveness of other Deputies, or would cause the public to lose confidence in the Department is guilty of immoral conduct. He/She will be disciplined under Conduct Unbecoming an officer or under the specific rule(s) applicable typical instances of immoral conduct include, but are not limited to:

- a. Committing an indecent act with a minor
- b. Procuring an illegal abortion
- c. Fostering a bastardly
- d. Transvestism
- e. Adultery
- f. Drunk driving, while off duty
- g. Annoying and/or molesting bar patrons
- h. Barroom fighting

28. Incompetence/Inefficiency

- a. Low Performance- Consistently unacceptable performance ratings will result in disciplinary action being taken.
- b. Physical- When an officer's disability arises from and in the course of his/her duties; he may not be deprived of disability and retirement benefits by discharge.
- c. Mental- An officer who suffers mental disorder while so employed is subject to discharge by the appointing authority if the disorder renders him unfit or unable to discharge his duties properly.

29. Intervention

Officers shall not interfere with cases being handled by other officers of the Department or by any other governmental department unless:

- a. Ordered to intervene by a superior officer, or
- b. The intervening officer believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.
- c. Officers shall not undertake any investigation or other official action which is not part of their regular duties without obtaining permission from their immediate supervisor unless the situation requires immediate action.

30. Labor Activities

- a. Officers may join a union, but nothing shall compel Department to recognize or to engage in collective bargaining with any such union except as provided by law.
- b. Officers shall not engage in any strike. A strike action includes the concerted failure to report for unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, or the abstinence in whole or part from the full, faithful and proper performance of duties of employment for the purpose of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.

31. Mistreatment of Prisoners-

- a. An officer who lawfully acts within the scope of his authority does not deprive persons of their civil liberties. However, when an officer exceeds his authority by unreasonable use of force or negligence or by conduct which results in injury to an arrestee, he violates the sanctity of the law which he is sworn to uphold and is subject to disciplinary action.

32. Misuse of Firearms-

Due to the extreme dangers involved, officers shall not use or handle weapons in a careless or imprudent manner. Typical instances of misuse of firearms include but are not limited to:

- a. Pointing a firearm at a fellow officer.
- b. Firing plastic ammunition in the station during horseplay.
- c. Giving a firearm to a citizen for use in pursuing and shooting a suspect.
- d. Negligent shooting of another.
- e. Drawing of weapons in a public place except for inspection or official

